



# EMPLOYMENT TRIBUNALS

**Claimant: Miss M Fiaz**

**Respondent: Plais Official Limited**

**Heard at: Leeds On: 15 January 2024**

**Before: Employment Judge Jaleel**

## **Representation**

**Claimant: Marian Fiaz (In person)**

**Respondent: Did not attend**

# JUDGMENT ON LIABILITY AND REMEDY

1. The claim of ordinary unfair dismissal (section 98(4) ERA 1996) is well founded and succeeds.
2. The claimant's claim for breach of contract for failure to pay notice pay is well founded and succeeds.
3. The claimant's claim for unpaid wages in January 2023 is well founded and succeeds.
4. The claimant's claim for arrears of pay in respect of the national minimum wage from 8 February 2022 to termination of her employment is well founded and succeeds.
4. The claimant's claim for failure to pay accrued but untaken holiday on termination of employment is well founded and succeeds.

The Respondent is ordered to pay the claimant the following amounts in relation to her unfair dismissal:

1. A basic award of £1,143.69

2. In addition, compensation of £2,109.82 which is calculated as:

- a. Unpaid Wages £782.57
- b. Arrears of pay £88.20
- c. Notice pay of £978.21
- d. Holiday pay of £260.84
- e. Pension loss of £47.56

**TOTAL AWARD £3,301.07**

6. In respect of the application made prior to the hearing commencing the Tribunal found: 1. The hearing should proceed in absence of the respondent, after considering Rule 47 of the 2013 Rules. The respondent was not represented at the hearing. However, the owner of the business sent in an email advising that she was unable to attend the Hearing. The accompanying GP fit note stated that she was unable to work. The evidence was found to be vague and did not provide sufficient details as to why she was unable to participate in the Tribunal hearing. Taking this into account and bearing in mind the overriding objective the Hearing proceeded in the absence of the Respondent. It was also noted that the last trading day of the Respondent is said to be 1<sup>st</sup> March 2023 and the accountant was to take steps to ensure that the company was closed down and all documentation was properly completed. However, it is found it has no bearing on these proceedings as the respondent at the date of the hearing is still an active company.

Employment Judge Jaleel

Date 29 January 2024

### **Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

### **Public access to employment tribunal decisions**

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### **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>